IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CM Nos.6447-CII, 6448-CII of 2007 and
RSA No.528 of 2006

DATE OF DECISION: 7.8.2007

Parminder **...Appellant**

VERSUS

Uttar Haryana Bijli Vitran Nigam and another **...Respondents**

CORAM

HON'BLE MR.JUSTICE PERMOD KOHLI

Present: Mr.R.N.Lohan, Advocate for the appellant

Permod Kohli,J. (Oral)

CM No.6447-CII/2007

This is an application seeking exemption from filing the typed copy of checking report. Application is allowed as prayed.

CM No.6448-C of 2007

This is an application seeking leave of this Court to place on record the copy of the report Ex.P3. The same is taken on record. CM disposed of.

R.S.A.No.528 of 2006

This is plaintiff's Regular Second Appeal against the concurrent findings of fact recorded by both the courts below. The plaintiff/appellant filed a suit for declaration challenging the Notice of Assessment No.842

dated 17.7.2001 whereby a penalty of Rs.17800/- was imposed upon him for alleged theft of electric energy. The trial court, while deciding this question held that the premises was checked by the employees of the Uttar Haryana Bijli Vitran Nigam Limited in the presence of the father of the plaintiff who signed the report by writing therein that he will deposit the penalty by tomorrow in the office. It is also recorded that after opening the link of the meter, the meter was found dead. The First Appellate Court also concurred with the findings of fact recorded by the trial court. It is stated by the counsel for the appellant that at one stage, it has been mentioned that the checking was conducted in the presence of the plaintiff whereas at other place, it is mentioned that the same was done in the presence of the father of the plaintiff and the endorsement was made by the father. However, both the courts below have held that the checking report was signed by the father of the plaintiff who undertook to pay penalty. In view of this concurrent finding, I find that no substantial question of law is involved in this appeal.

In view of the above, I find no merit in this appeal which is accordingly dismissed.

(PERMOD KOHLI)
JUDGE

7.8.2007
MFK

Note:Whether to be referred to Reporter or not:YES/NO